UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SANDRA L. MACAULAY, AS ADMINISTRATRIX FOR THE ESTATE OF CHRISTOPHER A. MACAULAY, Plaintiff,)))))
v.)) CA NO: 07-10864 NG)
MASSACHUSETTS BAY COMMUTER RAILROAD COMPANY, LLC,	,))
Defendant.)))

AFFIDAVIT OF JAMES O'LEARY IN SUPPORT OF MBCR'S MOTION FOR PROTECTIVE ORDER

- I, James O'Leary, do hereby depose as follows:
- I am the General Manager of Massachusetts Bay Commuter Railroad Company,
 LLC ("MBCR").
- 2. I have no personal knowledge or information concerning the tragic accident that is the subject of the above-captioned action. In fact, I was out of town on the day of the accident and, as a result, did not even view the accident scene.
- 3. I also did not participate in the investigation of the accident. Rather, I was briefed by staff members about the accident. I was not interviewed about the accident and, similarly, I did not interview any persons in connection with the accident. I wrote no reports for the investigation and was not part of the investigation team.

	 I am informed that plaintiff's counsel seeks to depose me about MBCR's rules 	
	and policies and its indomnification agreement with the Massachusette Bay Wanapuration	
	Authority ("MBTA"). I am not the person at MBCR with the most knowledge concerning	
,	MBCR's indemnification agreement with MBTA, or MBCR's rules and policies. There are	
 -	other employees at MBCR who specialize in those areas	
	SIGNED UNDER THE PAINS AND PENALTIES OF PERFURY THIS TH DAY OF	••
	MARCH, 2008.	